UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF TEXAS

EL PASO DIVISION

UNITED STATES OF AMERICA	)	
	)	
v.	)	CAUSE NO. EP-17-M-01293-ATB(1)
	)	
SILVINO GONZALEZ-FRANCISCO	)	

MOTION TO WITHDRAW AS COUNSEL OF RECORD AND SUBSTITUTE COUNSEL

Comes now, Edgar H. Holguin, Assistant Federal Public Defender, and files this Motion to Withdraw as Counsel of Record and for reason therefor would show as follows:

I.

A conflict of interest exists in the representation of Mr. Gonzalez-Francisco by the Office of the Federal Public Defender. Investigation in this case has revealed a conflict due to the representation by another attorney of the Federal Public Defender’s office of Jesus Alfredo Gongora, who stands accused of alien smuggling and who could potentially be a witness against Mr. Gonzalez-Francisco. Similarly, Mr. Gonzalez-Francisco could potentially be a witness against Jesus Alfredo Gongora. Accordingly, the Office of the Federal Public Defender requests that it be allowed to withdraw as counsel of record on this case and that substitute counsel be appointed to represent Mr. Gonzalez-Francisco.

This motion is not made for purposes of delay but rather in the interests of justice.

Wherefore, Movant prays that this Court grant this office leave to withdraw as attorney of record for Mr. Gonzalez-Francisco in the above-styled cause and appoint substitute counsel to represent Mr. Gonzalez-Francisco herein.

Respectfully submitted,

MAUREEN SCOTT FRANCO
Federal Public Defender

________/s/______________
EDGAR H. HOLGUIN
Assistant Federal Public Defender
Western District of Texas
Federal Building
700 E. San Antonio, D-401
El Paso, Texas 79901
(915) 534-6525

Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on the 5th day of April, 2017, I electronically filed a copy of the forgoing with the Clerk of Court using the CM/ECF system which will send notification of such filing of the following:

AUSA Michael Whyte

United States Attorney's Office

700 E. San Antonio, 2nd Floor

El Paso, TX 79901

______/s/________________________
EDGAR H. HOLGUIN

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	)	

ORDER GRANTING MOTION TO WITHDRAW AND ORDER SUBSTITUTING COUNSEL

On this day the Court considered the motion of Edgar H. Holguin, Assistant Federal Public Defender, requesting that the office of the Federal Public Defender be granted leave to withdraw as attorney of record for Silvino Gonzalez-Francisco. The Court is of the opinion that said Motion should be Granted.

It is therefore ordered that Edgar H. Holguin and the office of the Federal Public Defender are hereby granted leave to withdraw as attorney of record for the Silvino Gonzalez-Francisco, in the above-styled cause. It is further ordered that ______________, a licensed attorney, is hereby appointed pursuant to the Criminal Justice Act as substitute counsel for Silvino Gonzalez-Francisco, until further order of this Court.

SIGNED this ____ day of ___________, 2017.

____
HONORABLE ANNE BERTON
UNITED STATES MAGISTRATE JUDGE